IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25056 of 2004

Between:

Afghan Babu Suleman S/o Mahammed Ali
Resident of Yemmiganur, Kurnool District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Yemmiganur, Kurnool District.
2 Mandal Surveyor, Yemmiganur Mandal. Yemmiganur, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not conducting the survey and to fix the boundaries inS.No.229 admeasuring Ac.2-25 of Yemmiganur Village and S.No.406-A admeasuring Ac. 0-90, of K.Nagalapuram Village, Yemmiganur Mandal, Kurnool District as arbitrary, illegal and unsustainable and direct the respondents to conduct the survey and fix the boundaries for the above said properties .

Counsel for the Petitioner: MR. K.VENKATARAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25056 OF 2004

ORDER:

Heard both sides and with their consent, the writ petition is disposed of at the stage of admission.

Petitioner states that consequent upon the registered partition deed dated 15.7.1944, executed by his father, the land admeasuring Ac. 2.25 cents in Sy No.229 of Yemmiganur village and Ac.0.90 cents of land in Sy.No.406-A of K. Nagalapuram village in Yemmiganur Mandal devolved upon him. He further states that, in his absence, the villagers tried to occupy the said lands and in order to safeguard his property from encroachers, he made requisition to the respondents on 27.7.2004 and 4.10.2004, by paying the requisite fee, to conduct survey and fix the boundaries. Since the respondents have not responded to his requisition, he also got issued a registered legal notice dated 20-10-2004 to the respondents, but for the reasons best known to them, the respondents have not taken any action on the requisitions made by him. Hence, the writ petition.

Learned counsel for the petitioner submits that, if the respondents do not conduct the survey and fix up the boundaries to the lands of the petitioner, there is every possibility for encroachment.

Having regard to the facts and circumstances of the case, and since the ownership of the petitioner over the said lands is not disputed, it would suffice if a direction is given to the respondents to consider and dispose of the representations made by the petitioner, in accordance with rules.

Accordingly, the writ petition is disposed of directing the respondents to consider and dispose of the representation made by the petitioner for conduct of survey of his land and for fixing boundaries, in accordance with law, expeditiously. No costs.

SD/- P.V.RADHAKRISHNA RAO

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Mandal Revenue Officer, Yemmiganur, Kurnool District.
2 Mandal Surveyor, Yemmiganur Mandal. Yemmiganur, Kurnool District

3 Two copies to G.P. for Revenue, High Court buildings, Hyderabad.

4. Two CD copies.

5. One CC to Mr. K. Venkata Rao, Advocate. (OPUC)

P.M.

Dated: 31-12-2004

ORDER

WP.NO. 25056 OF 2004

Disposing of the WP

Without costs.